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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,818	01/24/2000	HARTMUT BAESSLER	10191/1294	6309

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EXAMINER

DUNCAN, MARC M

ART UNIT	PAPER NUMBER
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2184

DATE MAILED: 04/28/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/489,818

Applicant(s)

BAESSLER ET AL.

Examiner

Marc M Duncan

Art Unit

2184

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL REJECTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato et al. (hereinafter Sato).

Referring to claim 1, Sato teaches diverting an access of the computer, by a switchover device, such that the access is directed to an alternate memory rather than to the working memory (Abstract lines 9-13, col. 10 lines 29-31) and executing an auxiliary program in the alternate memory when activated by the computer, the auxiliary program making available information concerning internal operating states of the computer (col. 2 lines 37-40 and col. 10 lines 29-31).

Referring to claim 2, Sato teaches the step of posing instructions in the auxiliary program as to which information regarding the computer should be investigated (col. 8-9, Table 3; the examiner interprets the different routines provided for different levels and causes to be equivalent to instructions as to which information should be investigated).

Referring to claim 3, Sato teaches the auxiliary program containing steps that cause the computer to give a content of internal registers and ports to a bus using a write instruction for a certain address (Abstract lines 3-6 and col. 10 lines 63-65).

Referring to claim 4, Sato teaches reading out, by a user, a memory in an address area (col. 5 lines 19-22).

Referring to claim 5, Sato teaches executing an instruction in an alternate program area for causing the computer to begin processing an analysis program and for activating the auxiliary program (col. 2 lines 37-40 and col. 10 lines 16-30).

Referring to claim 6, Sato teaches the alternate memory containing a first program module and a second program module of greater importance, and further comprising the step of writing the instruction into the first program module (Abstract and col. 10 lines 10-45).

Referring to claim 7, Sato teaches using an operating system, generating a query as to whether an analysis of the computer should be undertaken and activating an analysis program if the query is answered affirmatively (Fig. 9 and col. 10 lines 10-45).

Referring to claim 8, Sato teaches a readable alternate memory including an auxiliary memory area, the auxiliary memory area containing an analysis program, the analysis program, when activated, supplying information concerning internal states of the computer and means for redirecting a connection of the computer from a working memory to the alternate memory (Fig. 1, Abstract lines 9-13, col. 2 lines 37-40 and col. 10 lines 29-31).

Claim Rejections - 35 USC § 103

Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. in view of Williams et al.

Regarding claim 9:

The teachings of Sato are outlined above.

Sato does not expressly teach a step of performing a check periodically to determine whether there is a request from an outside source to process the auxiliary program. Sato does, however, teach the use of interrupts.

Williams teaches a step of performing a check periodically to determine whether there is a request from an outside source to process the auxiliary program in the Abstract lines 7-10. Williams teaches polling, i.e. periodically checking, for a new interrupt for a period of time after a prior interrupt has completed. The examiner considers this equivalent to periodically checking to determine if there is a request from outside to process the auxiliary program because the interrupts in Sato are equivalent to a request to process the auxiliary program.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the polling of Williams with the interrupts of Sato.

One of ordinary skill in the art at the time of invention would have been motivated to combine the teachings because Williams discloses that by incorporating the polling technique, the host system will avoid processing resources needed for context switching time when the subsequent interrupt, or request, is generated closely in time from the prior interrupt, or request in the Abstract lines 10-13.

Regarding claim 10:

Williams teaches executing an analysis program in response to determining that a request has been received in col. 3 lines 37-40. The examiner considers entering the

subsequent interrupt service routine to be equivalent because in Sato entering the interrupt service routine is equivalent to beginning to run the auxiliary program.

Regarding claim 11:

Sato teaches one of a jump instruction and an interrupt instruction being provided at a predetermined memory location to start processing an analysis program in col. 9 lines 9-15.

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are not persuasive.

Applicant argued that the Sato reference does not teach, "executing an auxiliary program in the alternate memory." Applicant argued that Sato in fact teaches executing the auxiliary program in same memory as the normal processing routine. The examiner respectfully disagrees. The examiner believes that the actual execution of the program must take place in the processor, i.e. the processor retrieves the instructions of the program from the memory and then executes them. The examiner therefore believes that the Sato reference teaches the processor taking the instructions for the "abnormal processing routine" from the alternate memory (the flexible disk unit of Sato), transferring these instructions to an area in the processor and executing them. The examiner believes that this is equivalent in function to applicant's claimed invention. The examiner believes applicant's claimed invention switches to the claimed alternate memory area, takes the program instructions from the alternate memory area and

executing the instructions in the processor. The examiner therefore maintains the rejection of claim 1 using the previously provided reference to Sato.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc M Duncan whose telephone number is 703-305-4622. The examiner can normally be reached on M-T and TH-F 6:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on 703-305-9713. The fax phone numbers for the organization where this application or proceeding is assigned are 703-

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746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

md
April 25, 2003


ROBERT BEAUSOLIEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100